

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 05-495-JJF
	)	Judge Joseph J. Farnan Jr.
LAWNS UNLIMITED, LTD. and	)	
EDWARD FLEMING,	)	
	)	
Defendants,	)	

**PLAINTIFF'S RESPONSE TO DEFENDANTS'  
RESPONSE TO PLAINTIFF'S MOTIONS TO COMPEL**

Plaintiff Renee Butz makes the following responses to Defendants' Edward Fleming and Lawns Unlimited, LTD's Defendants' Response to Plaintiff's Motions to Compel.

**FACTUAL & PROCEDURAL BACKGROUND**

1. No comment necessary
2. Plaintiff understands completely what Michael L. Butz permissible limits are. Defendants' counsel has made efforts to preclude Michael L. Butz from attending legal matters as set forth by the Court's order dated April 4, 2007. Regarding the location of Defendant's deposition, Edward Fleming, Defendants' counsel's request to have the deposition performed in Sussex County is costly and burdensome for Plaintiff.

3. Plaintiff apologizes to the Court if improper methodology, terminology, or language was utilized in the filings related to Defendants' Motion for Protective Order. The timing of filings and communications by telephone and email may have caused filings to have been made after decisions regarding these matters have been made.

4. Plaintiff has nothing to go by other than prior history regarding the prior scheduling of Edward Fleming's deposition. Under prior counsel, Mr. Fleming was never available for deposition and Plaintiff has concern that history will repeat regarding Mr. Fleming's deposition.

5. As result of what stated in No 4, Plaintiff contends that she will available for deposition immediately following Mr. Fleming's deposition.

#### **REQUEST FOR RELIEF**

6. Plaintiff communicated her concerns regarding Mr. Fleming's availability for deposition before the Discovery period ended and informed Defendants' counsel that she was filing a Motion to Compel Cancellation of Plaintiff's Deposition. No court decision was made on this filing and the deposition date as passed.

However, prior to the April 20, 2007 deposition date Defendants' counsel canceled the deposition via email on April 18, 2007 due to counsel's illness.

Plaintiff was not available to respond to the cancellation email prior to the morning of April 20, 2007 because Plaintiff was with her ill child all day at A.I.

Dupont Hospital on April 18, 2007 and home with her child on April 19, 2007.

See Exhibit I which indicated the initial cancellation with no timing requirement regarding communication of rescheduling of the deposition.

7. Plaintiff continues the request that Defendant Fleming appear in Glasgow, Delaware for his deposition. The choice of this location was made to reduce the cost of the deposition. A deposition in Sussex County would require a minimum of 4 hours travel time of the court reporter. This is a neutral location.

8. Agreed.

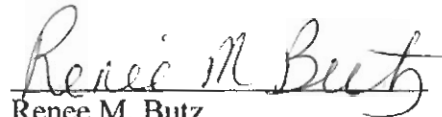
9. Plaintiff maintains that deposition at Defendants' business location is not possible due to the lack of conference room and Plaintiff considers this location to be a hostile environment. The Glasgow, Delaware location is convenient to all and a neutral location.

10. Again, filing the Notice of Deposition took place while other communications continued. Therefore making the Notice of Deposition moot.

11. Plaintiff is pro se with little money. Mr. Fleming's deposition at the Glasgow, Delaware location is the less expensive venue available. Plaintiff contends that this is a neutral site.

12. Based on Mr. Fleming's deposition scheduling history, Plaintiff contends that Plaintiff would be agreeable to attend her deposition immediately following Mr. Fleming's deposition. It is not either fair or logical that the depositions should be conducted in the order they were originally scheduled. This suggested scheduling helps assure Plaintiff that Mr. Fleming's deposition will take place prior to end of the Discovery period.

13. Plaintiff is unavailable for deposition from May 4, 2007 through May 14, 2007 due to her travel plans. Plaintiff, Plaintiff's spouse and child will be at Walt Disney World through the Make A Wish Foundation. This period of time was established by Make A Wish and cannot be changed.



Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410)441-4300  
Plaintiff pro se

Dated: 5/5/07

EXHIBIT 1

**Renee Butz**

**From:** Yuen, Katherine [KYuen@ycst.com]  
**Sent:** Thursday, April 19, 2007 2:11 PM  
**To:** renee@scottbutz.com; RButz@ccgov.org  
**Cc:** DiBianca, Margaret  
**Subject:** RE: Butz v. Lawns Unlimited, Ltd. Deposition 4/20

Ms. Butz,

I have not received a response to the email sent yesterday cancelling your deposition, scheduled for tomorrow. Please confirm receipt of the email sent yesterday. If you have not confirmed receipt by the end of business today, we will proceed as noticed tomorrow. Due to Ms. DiBianca's illness, I will need to ensure that another attorney from the office will be present in Ms. DiBianca's place.

Thank you,

Katherine Yuen  
Paralegal  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
Phone: 302-571-5749  
Facsimile: 302-576-3541  
KYuen@ycst.com

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>  
> From: Yuen, Katherine  
> Sent: Wednesday, April 18, 2007 3:29 PM  
> To: 'renee@scottbutz.com'; 'RButz@ccgov.org'  
> Cc: DiBianca, Margaret  
> Subject: Butz v. Lawns Unlimited, Ltd. Deposition 4/20  
>  
> Ms. Butz:  
>  
> On behalf of Ms. DiBianca, please see the message below:  
>  
> Ms. Butz:  
>  
> I am writing to notify you that I was hospitalized over the weekend  
> with pneumonia. I have since been released but do not expect to be  
> able to return to work before next week. Therefore, I will have to  
> post-pone your deposition, which is currently scheduled for this  
> Friday, April 20, 2007 at 10 am. Please contact my paralegal,  
> Katherine Yuen, with your dates of availability. Katherine can be  
> reached at kyuen@ycst.com.  
>  
> Katherine Yuen  
> Paralegal  
> Young Conaway Stargatt & Taylor, LLP  
> The Brandywine Building  
> 1000 West Street, 17th Floor  
> P.O. Box 391  
> Wilmington, DE 19899-0391

> Phone: 302-571-5749  
> Facsimile: 302-576-3541  
> KYuen@ycst.com  
>  
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>

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FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and  
EDWARD FLEMING,


Defendants.

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Response to Defendants' Response to Plaintiff's Motions to Compel were sent by first-class United States mail, postage duly paid, on this 5 day of May, 2007, to counsel of record as follows:

Margaret M. DiBianca  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street  
Wilmington, DE 19801

  
Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410) 441-4300  
Plaintiff pro se

Dated: 5/5/07



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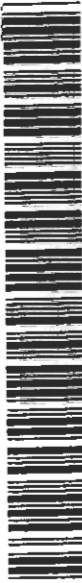
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Renee Butz  
58 Hickory Dr.  
North East, MD 21901

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TO: (PLEASE PRINT)

PHONE:

THE HONORABLE JOSEPH J. FARLEY JR.  
United States District Court  
844 N. KNOX ST. LOCK BOX 27  
WILMINGTON, DE

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